

Notice of Allowability

Application No.

10/690,799

Examiner

Ghassem Alie

Applicant(s)

JENSEN ET AL.

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/17/05.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 10/21/03 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Reasons for Allowance

1. The following is an examiner's statement of reasons for allowance: The claims are allowable because the prior art fails to teach that the plug prevention or the stationary plug prevention is substantially off-axis relative to the axis of impeller rotation and the plug prevention is provided as a component separate from and in addition to the overlying chute as set forth in claims 1, 10, and 12.

Regarding claims 1, 10, and 12, Woodward, JR., et al. (2,859,784), hereinafter Woodward, teaches a rotary slicing machine including a rotary impeller for carrying food into cutting engagement with at least one slicing knife. Woodward also teaches a plug prevention member which is stationary and extends at least partially at the inlet of the rotary impeller. Woodward also teaches that the impeller is being movable relative to the plug prevention member whereby food lodged against the impeller is carried by the impeller into the impeller cavity. Woodward does not teach that the rotary impeller has a throat inlet having a throat wall defining an upwardly open inlet throat for inflow passage of a succession of food products to be cut. Woodward also fails to teach that the plug prevention or the stationary plug prevention is substantially off-axis relative to the axis of impeller rotation and the plug prevention is provided as a component separate from and in addition to the overlying chute as set forth in claims 1, 10, and 12.

Woodward in view of Galland et al. (4,391,172), hereinafter Galland, teaches a rotary impeller having a throat wall defining an upwardly open inlet throat for inflow passage of a succession of food products to be cut.

However, Woodward in view of Galland fails to teach that plug prevention or the stationary plug prevention is substantially off-axis relative to the axis of impeller rotation and the plug prevention is provided as a component separate from and in addition to the overlying chute as set forth in claims 1, 10, and 12.

None of these references by themselves or in combination with the other prior art cited teach the claimed invention set forth in claims 1, 10, and 12.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information

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about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).

GA/ga

April 21, 2005


Allan N. Shoap
Supervisory Patent Examiner
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